

# EXHIBIT A

## Chiricosta, Matthew

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**From:** Kevin Sciarani <KSciarani@rgrdlaw.com>  
**Sent:** Tuesday, April 18, 2023 3:01 PM  
**To:** Chiricosta, Matthew; David Mitchell; Favret, John A.; McCaffrey, John F.  
**Cc:** Berckmueller, Fritz; Blair, Mitchell  
**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

Matt,

Movants accept the May 19th production date to expedite reaching an agreement and to avoid further burdening the Court with filings. We expect PFP to uphold its end of the agreement as set forth in our correspondence. However, we are unwilling to join a motion for a Court-ordered extension, as we do not believe a Court order is required or warranted on the merits. If PFP believes otherwise, you may indicate that "Movants will not be opposing this request and note that their non-opposition should not be construed as an agreement as to any of the factual assertions set forth in the motion."

Best,  
Kevin

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**From:** Chiricosta, Matthew <MChiricosta@Calfee.com>  
**Sent:** Tuesday, April 18, 2023 8:55 AM  
**To:** Kevin Sciarani <KSciarani@rgrdlaw.com>; David Mitchell <DavidM@rgrdlaw.com>; Favret, John A. <John.Favret@tuckerellis.com>; McCaffrey, John F. <john.mccaffrey@tuckerellis.com>  
**Cc:** Berckmueller, Fritz <FBerckmueller@Calfee.com>; Blair, Mitchell <MBlair@Calfee.com>  
**Subject:** FW: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

### EXTERNAL SENDER

Kevin and John,

We intend to move the Court this afternoon for the extension. Please let us know if Movants will join the motion (or if we may indicate their non-opposition to it) by 3 p.m. Eastern today.

Thanks.

Matt

### Matthew A. Chiricosta

*Attorney at Law*  
mchiricosta@calfee.com  
216.622.8284 **Phone**

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**From:** Chiricosta, Matthew  
**Sent:** Friday, April 14, 2023 6:49 PM  
**To:** 'Kevin Sciarani' <KSciarani@rgrdlaw.com>  
**Cc:** David Mitchell <DavidM@rgrdlaw.com>; McCaffrey, John F. <john.mccaffrey@tuckerellis.com>; Favret, John A. <John.Favret@tuckerellis.com>; Berckmueller, Fritz <FBerckmueller@Calfee.com>; Blair, Mitchell <MBlair@Calfee.com>  
**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

Kevin,

In the interests of time and compromise, we'll refrain from responding point-by-point to all your editorial comments below.

To resolve this matter, PFP agrees to the protocol laid out in your email yesterday so long as Movants agree to move the deadline to May 19. Attached are a joint motion and proposed order extending the deadline to May 19. Please advise by COB Monday 4/17 if we have consent to file.

Thanks,

Matt

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**From:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>

**Sent:** Thursday, April 13, 2023 2:36 PM

**To:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>

**Cc:** David Mitchell <[DavidM@rgrdlaw.com](mailto:DavidM@rgrdlaw.com)>; McCaffrey, John F. <[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)>; Favret, John A.

<[John.Favret@tuckerellis.com](mailto:John.Favret@tuckerellis.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

Matt,

Thank you for your response, which as we understand it, is a near complete rejection of Movant's April 7 proposal, other than an agreement to a handful of edits to the search terms. We have considered the parties' various proposals and related hit reports and believe that a middle ground between Movants' and PFP's most recent proposals is a proportionate and reasonable compromise, and should settle the matter.

First, with respect to PFP's March 29 search term proposal, modified with the names of the PFP directors and relevant FirstEnergy employees ("Modified March 29 Search Protocol"), we reject PFP's attempt to further limit the documents which would be returned by its initial search proposal. Indeed, PFP represented that the March 29 set of search terms are those in which one "would reasonably expect might include Partners for Progress client materials." Movants likewise believe that documents returned by the Modified March 29 Search Protocol are likely to be relevant as search terms such as "Partners for Progress" should identify indisputably relevant materials, irrespective of date. This is because client, internal and third-party communications may occur on dates other than the dates which a lawyer billed on those matters.

Second, as an attempt to reach a compromise, we will agree to the "specific dates of services" limitation proposed by PFP for the 4.7.23 search terms ("April 7 Search Protocol"), so long as this search protocol is run in conjunction with the Modified March 29 Search Protocol. We would expect there to be substantial overlap between the April 7 Search Protocol and the Modified March 29 Search Protocol.

The record show that Movants have carefully considered their need for responsive materials and the information provided by PFP on its burden and nature of responsive materials. Thus the offer described above is our best and final offer. We are hopeful that PFP can agree to the proposal rather than burden the Court with additional motion practice. Movants can agree to the May 19 production date request if we reach agreement here. Please confirm PFP's agreement, or provide some times to meet and confer on raising this issue with the Court.

Best,  
Kevin

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**From:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>

**Sent:** Tuesday, April 11, 2023 7:44 AM

**To:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>

**Cc:** David Mitchell <[DavidM@rgrdlaw.com](mailto:DavidM@rgrdlaw.com)>; McCaffrey, John F. <[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)>; Favret, John A.

<[John.Favret@tuckerellis.com](mailto:John.Favret@tuckerellis.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

EXTERNAL SENDER

Kevin,

Per your item #2 below, PFP is amenable to running the 4.7.23 search terms as modified in your attachment below, but limited by the specific dates on which any Calfee timekeeper provided services.

We do not think it reasonable to run additional searches unlimited by the specific dates (which is how we understand your request in point #1 below). Such an additional add-on search defeats the purpose of limiting the searches to the relevant timeframe, particularly when we are already agreeing to your much larger set of search terms.

Nor do we think it reasonable to expand the dates beyond those specific dates on which the timekeepers at issue billed services. Unlike VanBuren, none of the Calfee custodians included in this search served non-lawyer roles, and so the dates on which they billed is an accurate reflector of when they would have generated communications relevant to PFP that may be part of PFP's client file.

In any case, we ran the expanded date ranges listed in your search range proposal and returned 11,368 hits, as reflected in the attached "ranges around dates of service.pdf" report. The same search terms for just the specific dates on which time was billed, by contrast, are 4,417, as reflected in the attached "specific dates of service.pdf" report.

As reflected in these results, PFP's agreement to run your search terms, as expanded by you on 4.7.23 and limited by the specific dates on which services were billed to PFP, is a reasonable compromise, taking into account all the above factors and Magistrate Judge Jolson's comments in her 3.24.23 Order. Please let us know.

We also again request that Movants agree to an extension up to and including May 19, 2023 by which PFP can complete its review of the Calfee custodian emails (and any necessary supplementation of the privilege log based on same). Please let us know.

We reiterate that this requested extension pertains only to the Calfee custodians issue, on which we are still negotiating. On a parallel path, PFP will produce the additional responsive documents from the three PFP directors' emails using your additional search terms by the April 21, 2023 deadline in Magistrate Judge Jolson's 3.24.23 Order. We would appreciate Movants' professional courtesy on this.

Thanks,

Matt

**Matthew A. Chiricosta**

*Attorney at Law*

[mchiricosta@calfee.com](mailto:mchiricosta@calfee.com)

216.622.8284 **Phone**

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**From:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>

**Sent:** Friday, April 7, 2023 3:01 PM

**To:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>

**Cc:** David Mitchell <[DavidM@rgrdlaw.com](mailto:DavidM@rgrdlaw.com)>; McCaffrey, John F. <[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)>; Favret, John A.

<[John.Favret@tuckerellis.com](mailto:John.Favret@tuckerellis.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

Matt,

Movants agree conceptually with PFP's proposal with a few modifications. Movants request that:

1. PFP run the search described in your March 29, 2023 letter, with the addition of:
  1. dan/2 mccarthy
  2. mckenzie w/2 davis
  3. scott w/2 davis
  4. joel w/2 bailey
  5. (michael or mike) w/2 dowling
2. PFP's proposed date-limited search be modified using the attached search term edits (highlighted) and expanded to include 7 days before and after the dates of the billed activity. I have also attached a chart of the date ranges. We understand that PFP is searching all custodians for the identified dates, but please let us know if we are mistaken.

It is likely that custodians received relevant emails or other documents on dates near those which were billed and it appears PFP was not billed for services related to VanBuren's director role, which may fall outside the dates identified. Thus adding the March 29 search proposal and a limited expansion of the dates searched is a reasonably tailored modification to the proposed search protocol. Please confirm if this approach is acceptable to PFP, or provide an updated hit report and any basis for further revisions.

Best,  
Kevin

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**From:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>

**Sent:** Wednesday, April 5, 2023 8:39 AM

**To:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>

**Cc:** David Mitchell <[DavidM@rgrdlaw.com](mailto:DavidM@rgrdlaw.com)>; McCaffrey, John F. <[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)>; Favret, John A. <[John.Favret@tuckerellis.com](mailto:John.Favret@tuckerellis.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

**Subject:** FW: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

EXTERNAL SENDER

Kevin,

Thank you for your patience as we completed our data export and processing. Attached is a hit report on your proposed terms (from your 3.29.23 email) for the ten Calfee timekeepers. As you'll see, those search terms yielded over 87,000 documents (search hits and families). This total remains unduly burdensome.

We also did some random sampling of the search hits. The majority we sampled are communications unrelated to advice or services Calfee may have provided to Partners for Progress. This may be due to various factors, including that some of the terms are very generic and broad. E.g., relatively common terms that are at least as likely to yield false positives as they are to yield relevant hits such as, by way of limited example only, "The Coalition" (5,034 unique hits) and "The Speaker" (3,816 unique hits). Other terms are returning large numbers of family members, such as "The Coalition" (24,427 family members), "The Speaker" (24,152 family members), plus other example terms such as "SFA" (19,223 family members) and "FEC w/25 contribut\*" (17,508 family members). It is clear that several of Movants' terms are too generic and broad to yield reasonable search results.

With the benefit of this additional information, we believe that the parties need to re-evaluate their approach to the search of these custodians.

As Movants acknowledged in their briefing, PFP's client file would include (at most) only matters for which PFP was billed. In line with that sentiment and the above details, we ran a modified version of Movants' terms through the non-VanBuren Calfee timekeepers who billed to PFP, date-limited by the specific dates on which any timekeeper billed to PFP

over the 1/1/17-7/1/20 period. The search hit report on these modified terms are attached here. PFP proposes adopting these search terms and protocol as the Calfee review set.

Also attached are a redline of our modifications to your 3.29.23 terms used to generate this set, plus a time report summary reflecting all time billed to PFP during the relevant timeframe (designated CONFIDENTIAL under the SPO). The dates reflected in this summary are the dates that were applied to our modified version of your search terms here. We also produced the corresponding unredacted invoices under separate cover a short time ago.

Given the relatively small amounts of time billed by these timekeepers over the relevant timeframe, this approach is consistent with Movants' stated position that PFP's client file only includes those for which it was billed and Magistrate Judge Jolson's 3.24.23 Order, in which she acknowledged that the "search can be limited 'to the relevant time period.'"

Please let us know.

Thanks.

Matt

**Matthew A. Chiricosta**

*Attorney at Law*

[mchiricosta@calfee.com](mailto:mchiricosta@calfee.com)

216.622.8284 Phone

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**From:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>

**Sent:** Friday, March 31, 2023 5:00 PM

**To:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

**Cc:** David Mitchell <[DavidM@rgrdlaw.com](mailto:DavidM@rgrdlaw.com)>; 'McCaffrey, John F.' <[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)>; 'Favret, John A.' <[John.Favret@tuckerellis.com](mailto:John.Favret@tuckerellis.com)>

**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

Matt,

Attached is the proposed notice. Please let us know if we have sign off to file.

Best,

Kevin

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**From:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>

**Sent:** Friday, March 31, 2023 6:53 AM

**To:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

**Cc:** David Mitchell <[DavidM@rgrdlaw.com](mailto:DavidM@rgrdlaw.com)>; 'McCaffrey, John F.' <[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)>; 'Favret, John A.' <[John.Favret@tuckerellis.com](mailto:John.Favret@tuckerellis.com)>

**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

EXTERNAL SENDER

Kevin,

As an initial matter, the reduction in hit volume you cited is of little significance. By way of limited example, two of the five search terms you agreed to remove in your 3.29 email were the first and last names of two timekeeper custodians,

meaning that a large amount of emails from their accounts that simply mention their own names would have hit on the searches. E.g., if we searched your email for “Kevin.” Two of the other terms you agreed to remove – “Generation Now” and “Grant Street Consultants” – would have had no practical effect on the hits because your terms also include broader terms that would encompass those hits and more (“Gen\* Now” and “Grant St\*”). You also added a term just this week (Wheatley) which happens to be the last name of a former Calfee bankruptcy attorney who left Calfee around the end of 2015.

In the end, we still have over 87,500 items for ten Calfee timekeepers who collectively billed 77.4 hours total to PFP during the relevant timeframe. Given these factors, we anticipate and trust that Movants will cooperate in good faith as we work to narrow the universe of hits down to something much more reasonable as soon as we have the additional data for us to collectively consider.

That being said, if you want to prepare a draft filing along the lines you outlined below, please do so and send it to us for review and approval. Attached is a TXT file containing the search terms as modified by your 3.29.23 letter (and with connectors modified to the extent necessary to apply them in our search tool).

Thanks,

Matt

**Matthew A. Chiricosta**

*Attorney at Law*

[mchiricosta@calfee.com](mailto:mchiricosta@calfee.com)

216.622.8284 Phone

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**From:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>

**Sent:** Thursday, March 30, 2023 8:30 PM

**To:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

**Cc:** David Mitchell <[DavidM@rgrdlaw.com](mailto:DavidM@rgrdlaw.com)>; 'McCaffrey, John F.' <[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)>; 'Favret, John A.' <[John.Favret@tuckerellis.com](mailto:John.Favret@tuckerellis.com)>

**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

Matt,

On very limited information, Movants have been able to reduce the initial document load to less than a quarter of its initial volume, and believe after deduplication and the further assessment of the invoices and a hit report, we can find a set of search parameters that return a proportionate volume of documents. But in the meantime, the Court has ordered us to submit “agreed-to” search terms by March 31. It appears that the agreement referenced by the Court is an agreement that PFP generate a hit report, which can be used in additional negotiations. See ECF 431 at 7 (“PFP shall conduct the search, and if the resulting hit report reveals an unreasonable number of documents, may confer with Movants to further narrow the search terms.”) It does not appear to us that PFP is refusing to provide a hit report. So the appropriate procedure is to submit the search terms, generate a hit report and continue our discussions, if necessary. If it helps reach an agreement, we have no objection to PFP noting that it believes the search terms as currently proposed are overbroad and that Movants agree to consider further narrowing upon receipt of a hit report.

That said, if you insist on deviating from the Court ordered procedure, we intend to submit our proposed set of search terms along with a statement that they are preliminary and that we are willing to work with PFP to narrow them if the unique document count appears overly burdensome. Movants will oppose a request to modify the

production schedule as premature at this juncture. Once the volume of documents subject to production is known, we can reconsider our position.

Best,  
Kevin

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**From:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>

**Sent:** Thursday, March 30, 2023 8:19 AM

**To:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

**Cc:** David Mitchell <[DavidM@rgrdlaw.com](mailto:DavidM@rgrdlaw.com)>; 'McCaffrey, John F.' <[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)>; 'Favret, John A.' <[John.Favret@tuckerellis.com](mailto:John.Favret@tuckerellis.com)>

**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

EXTERNAL SENDER

Kevin,

Thank you for the suggestions. We applied your modified search terms in the Outlook tool while awaiting the exporting and processing into our discovery tool of the larger 374K+-item data set based on the unmodified combined terms, which is still underway. As reflected in the attached Outlook hit report, your latest iteration of search terms still yielded 87,475 items and 71.7 GB of data. That remains an unduly burdensome and unwieldy set of search results, especially considering that the timekeepers at issue (i.e., the Calfee attorneys besides Attorney VanBuren) each billed less than 15 total hours to PFP matters from 2017-July 2020 (and seven of them billed less than 10 hours).

Magistrate Judge Jolson acknowledged that PFP has “reasonable concerns that the search protocol designed for the directors will not be sufficiently narrow for the Calfee custodians.” Removing five terms, four of which are as broad and generic as partial names of individuals, and adding broad proximity connectors to the FirstEnergy-related terms does not sufficiently address these concerns. The terms we proposed are reasonably tailored to encompass Calfee communications that mention PFP, the entities to which PFP made contributions, or House Bill 6 – i.e., items that could fairly be within the realm of potential PFP client files and materials.

For these reasons, PFP does not think it prudent to submit a tentative set of terms that remain problematically overbroad. We will of course continue to work expeditiously with you to agree on a final set of tailored search terms and anticipate following up with unique document counts by early next week so we can continue our discussions and, hopefully, reach agreement. As you acknowledged below, this process will be aided by our ability to obtain unique hit counts once the larger data set is finished processing on our end. We think the right approach now is to inform the court on Friday (tomorrow) that both sides have worked through multiple iterations of search terms, which are yielding unreasonably large numbers of documents, and are continuing to try to narrow this, and so are requesting the modest extension of time set forth in my 3.29.23 letter so we can try to definitively agree on terms.

We note that Magistrate Judge Jolson previously granted the McNees firm’s request along similar lines [See 12.19.22 Order; Doc. No. 393], and the fact discovery cutoff was recently extended at the parties’ request. Moreover, as previously noted, PFP will in the interim produce the unredacted documents contemplated in the 502(d) order and will complete the review and production of the directors’ emails on the additional search terms by April 5 and April 21, respectively. We thus do not believe the requested extension is prejudicial in any way.

Please let us know.

Thanks,

Matt



**Matthew A. Chiricosta**

*Attorney at Law*

[mchiricosta@calfee.com](mailto:mchiricosta@calfee.com)

216.622.8284 **Phone**

---

**From:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>

**Sent:** Wednesday, March 29, 2023 8:14 PM

**To:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

**Cc:** David Mitchell <[DavidM@rgrdlaw.com](mailto:DavidM@rgrdlaw.com)>; 'McCaffrey, John F.' <[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)>; 'Favret, John A.' <[John.Favret@tuckerellis.com](mailto:John.Favret@tuckerellis.com)>

**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

Matt,

Thank you for the hit estimate. The Outlook search tool as you described does not provide robust enough statistics for us to agree to the major revisions to the search terms you proposed. In addition, it is premature to request an extension until we can more accurately ascertain the volume of documents at issue. Indeed, the Court's order contemplates that after a hit report is generated, the parties may further refine the search terms to reach an agreement. But we do wish to expedite this process in good faith, so we have attempted to identify search terms likely to be responsible for a large number of hits and propose the following revisions.

Remove these specific search terms:

1. brooke
2. "generation now"
3. "grant street consultants"
4. pappas
5. sam

Modify these search terms with the text in red:

1. "firstenergycorp.com" NEAR25 ("c4" OR "(c)(4)" OR contribut\* OR donat\* OR fund\* OR "social welfare" OR "clean energy legislation" OR decoupl\*)
2. (firstenergy OR "first energy" OR "fec" OR "fes" OR "energy harbor") NEAR25 (c4 OR "(c)(4)" OR contribut\* OR donat\* OR fund\* OR "social welfare" OR "clean energy legislation" OR decoupl\*)
3. "akin gump" NEAR25 (FES OR "FirstEnergy" OR "energy harbor")

Add this search term:

1. **Wheatley**

We propose submitting the existing search terms as modified above on Friday, noting that they are (1) preliminary, (2) PFP has agreed to deduplicate the documents and provide a search-term-by-search-term hit report of unique document counts, and (3) Movants and PFP will continue to work to refine the search terms, if necessary. Please provide a text version of these revised search terms for the filing, and the Outlook search tool hit estimate.

Best,

Kevin

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**From:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>

**Sent:** Wednesday, March 29, 2023 7:57 AM

**To:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell

<[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

**Cc:** David Mitchell <[DavidM@rgrdlaw.com](mailto:DavidM@rgrdlaw.com)>; 'McCaffrey, John F.' <[john.mccaffrey@tuckerellis.com](mailto:john.mccaffrey@tuckerellis.com)>; 'Favret, John A.' <[John.Favret@tuckerellis.com](mailto:John.Favret@tuckerellis.com)>

**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

EXTERNAL SENDER

Kevin,

Please see the attached letter.

Matt

**Matthew A. Chiricosta**

*Attorney at Law*

[mchiricosta@calfee.com](mailto:mchiricosta@calfee.com)

216.622.8284 **Phone**

---

**From:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>

**Sent:** Tuesday, March 28, 2023 5:16 PM

**To:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

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**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

Matt,

Please add the search term "Wheatley" to the existing list of search terms. Please provide us your response on the search terms tomorrow morning and propose some times in the afternoon to meet and confer (if necessary).

In addition, now that the Court has entered the 502(d) order, please produce the Calfee invoices by next Wednesday, April 5, as they will aid us in assessing the scope of the Calfee custodian search and production.

Best,

Kevin

---

**From:** Chiricosta, Matthew <[MChiricosta@Calfee.com](mailto:MChiricosta@Calfee.com)>

**Sent:** Monday, March 27, 2023 12:00 PM

**To:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>; Berckmueller, Fritz <[FBerckmueller@Calfee.com](mailto:FBerckmueller@Calfee.com)>; Blair, Mitchell <[MBlair@Calfee.com](mailto:MBlair@Calfee.com)>

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**Subject:** RE: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

EXTERNAL SENDER

Kevin,

Thanks for reaching out. We are still working on this on our end and will be in touch on Wednesday.

Matt

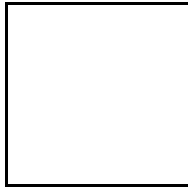
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**From:** Kevin Sciarani <[KSciarani@rgrdlaw.com](mailto:KSciarani@rgrdlaw.com)>

**Sent:** Friday, March 24, 2023 6:57 PM

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**Subject:** FW: Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

Matt,

In light of the quick turnaround for us to agree to search terms for the Calfee custodian search, we propose the following procedure:

To the extent PFP does not agree to submit the existing search terms (PFP's initial search terms and Movants' supplemental terms) to the Court next Friday, by the close of business Monday 3/27, PFP will provide hit counts, including unique document counts, for the existing search terms and a hit report for PFP's counter-proposal. We can then meet and confer Tuesday to discuss, with the goal of reaching an agreement by Friday morning. Please promptly let us know if this procedure is acceptable and, if necessary, provide some times you are available to meet and confer on Tuesday.

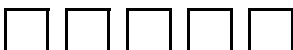
Best,

Kevin

**Kevin Sciarani**



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**Sent:** Friday, March 24, 2023 12:25 PM  
**To:** [ecf.notification@ohsd.uscourts.gov](mailto:ecf.notification@ohsd.uscourts.gov)  
**Subject:** Activity in Case 2:20-cv-03785-ALM-KAJ Owens v. FirstEnergy Corp. et al Order

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U.S. District Court

Southern District of Ohio

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The following transaction was entered on 3/24/2023 at 3:24 PM EDT and filed on 3/24/2023

**Case Name:** Owens v. FirstEnergy Corp. et al

**Case Number:** [2:20-cv-03785-ALM-KAJ](#)

**Filer:**

**Document Number:** [431](#)

#### Docket Text:

**ORDER: PFP is ORDERED to employ the Movants' proposed additional search terms and bear the costs of the associated production. PFP shall produce any non-privileged documents and prepare and produce a privilege log for any withheld documents on or before 4/21/2023. PFP and Movants are ORDERED to negotiate search terms for relevant Calfee custodians and file a notice on the public docket of the agreed-upon search terms on or before 3/31/2023. PFP shall produce any non-privileged documents and prepare and produce a privilege log for any withheld documents on or before 4/21/2023. PFP is ORDERED to provide a copy of the proposed Rule 502(d) order [423] -3 to the Court at [jolson\\_chambers@ohsd.uscourts.gov](mailto:jolson_chambers@ohsd.uscourts.gov). Signed by Magistrate Judge Kimberly A. Jolson on 3/24/2023. (er)**

**2:20-cv-03785-ALM-KAJ Notice has been electronically mailed to:**

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